

HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 118, "An Act to amend Article 2801 of Chapter 1, Title LII, Revised Civil Statutes of 1895, relating to the office of Secretary of State and requiring Secretary of State to execute a bond."

Also House Concurrent Resolution No. 16, relating to making the Cypress river navigable for the purpose of cheapening freight rates in that section of the State.

Also House bill No. 140, "An Act to transfer Sabine county from the district school system to the community system."

Also Substitute House bill No. 54, "An Act to repeal Article 492 of Chapter 2, of Title XIII, of the Penal Code of the State of Texas, and to amend Article 491 of Chapter 2, of Title XIII, of the Penal Code of the State of Texas, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The Chair referred the following House bills and resolutions:

House Concurrent Resolution No. 16, to Committee on Federal Relations.

Substitute House bill No. 54, to Judiciary Committee No. 2.

House bill No. 18 to Committee on State Affairs.

House bill No. 140, to Committee on Education.

On motion of Senator Potter the Senate adjourned until 10 o'clock tomorrow morning.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas, Tuesday, Jan. 31, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Greer.
Burns.	Grinnan.
Davidson.	James.
Dibrell.	Johnson.
Ross.	Kerr.
Gough.	Linn.

Lloyd.	Ross.
McGee.	Sebastian.
Miller.	Stafford.
Morriss.	Stone.
Neal.	Turney.
Odell.	Wayland.
Potter.	

Absent.

Hanger.	Yantis.
Lewis.	Yett.
Terrell.	

Absent—Excused.

Patterson.

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday,

On motion of Senator Greer, the same was dispensed with.

EXCUSED.

On motion of Senator Gough, Senator Neal was excused for non-attendance on yesterday on account of important business.

On motion of Senator Dibrell, Senator Stafford was excused for non-attendance on yesterday on account of important business.

On motion of Senator Linn, Senator Hanger was excused indefinitely on account of sickness in his family.

On motion of Senator Wayland, Senator Yett was excused for yesterday and today on account of important business.

On motion of Senator Grinnan, Page Bruce Sherrill was excused for yesterday and today on account of sickness.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 27, 1899.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, being "An Act to amend Article 1333 of the Revised Civil Statutes of Texas, relating to the submission of special issues to the jury,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,

Austin, Texas, Jan. 26, 1899.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, being "An Act to amend Chapter 4, Title VII, of the Code

of Criminal Procedure of the State of Texas, by adding thereto Article 525a, providing for the issuance of process for witnesses residing in the county before the meeting of the district court to testify before the grand jury,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 32, being "An Act to amend Article 128, Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, being "An Act for the relief of railways chartered since 1887, and which have failed to construct their lines as required by law,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, being "An Act to promote stock-raising, and to prohibit the hunting with fire-arms and dogs upon enclosed marsh lands of another; and prescribing penalties therefor, and to define marsh lands,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 79, being "An Act to amend Section 6 of an act approved May 6, 1897, for the establishment of a public park on the site of the battle-field of San Jacinto, so as to extend the time

within which the commissioners may make their final report under the provisions of the act,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 16, being

A resolution memorializing the Texas members in the United States Congress to urge and demand an appropriation by said congress to make Cypress river navigable, for the purpose of cheapening freight rates in that section of the State,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

ROSS, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred Senate Joint Resolution No. 2, being

A joint resolution empowering the Governor of the State of Texas, together with the Commissioner of the General Land Office of said State, to employ four (4) additional clerks, or so many thereof as may be necessary, to tabulate the account in the General Land Office between the State of Texas and the permanent school fund; and providing for the ascertainment of the amount of public domain of the State of Texas at the time of the adoption of the Constitution of 1876, and what has been done with same; and showing present condition of the account between the State of Texas and the permanent school fund growing out of their joint landed interests, and making an appropriation therefor,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be adopted.

POTTER, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 67, being a bill to be entitled "An Act to amend Article 5058 of the Revised Civil Statutes of 1895 of

the State of Texas, as passed in 1891, relating to the duties of revenue agents."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 118, being "An Act to amend Article 2801, of Chapter 1, Title LII, Revised Civil Statutes of 1895, relating to the office of Secretary of State, and requiring the Secretary of State to execute a bond,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with the following amendments:

Strike out all after the word "Senate," in line 14, down to and including the word "appointed," in line 17, page 1, of the bill, and insert in lieu thereof the following, "who shall continue in office until his successor is appointed and qualified."

Amend further by striking out all of Section 1, after the word "accounts," in line 32, page 1.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 56, being a bill to be entitled "An Act authorizing and directing the president and board of directors of the Agricultural and Mechanical College of Texas to employ an expert entomologist, whose duty it shall be to devise if possible means of destroying the 'Mexican boll weevil' and other insect pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WAYLAND, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 56, being a bill to be entitled "An Act authorizing and directing the president and board of directors of the Agricultural and Mechanical College of Texas, to employ an expert entomologist, whose duty it shall be to devise if possible means of destroying the 'Mexican boll weevil' and other insect pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WAYLAND, Chairman.

To the President of the Senate:

Your special committee, to whom was referred Senate bill No. 55, with the amendments thereto, beg leave to submit herewith a substitute for said bill and the amendments thereto, and recommend that said substitute be adopted.

MILLER, Chairman.

Hon. N. A. Cravens, Private Secretary of the Governor, was announced.

The Chair laid before the Senate the following:

EXECUTIVE MESSAGE.

To the Senate and House of Representatives:

I am requested by the Railroad Commission in a communication, of which a copy is hereto attached, to invite the attention of the Legislature to the allowance of rebates, the making of cut rates and other discriminations in freight rates by railway companies in this State. As stated by the Commission, the practice, whenever indulged in, is a fruitful source of wrong to the people. It is a palpable and willful violation of the law upon the subject, and should be repressed. The evils resulting from it are many and great. The penalties suggested are none too severe, and cannot be justly considered as evidencing a hostile spirit towards these companies.

THE REFORMATORY.

After a most careful consideration of the reports from this institution for the past eight years, and also from information derived from sources that are entirely disinterested and trustworthy, I am led to believe that it has been, and is now, altogether a failure. The purpose of its establishment was not only to punish but also to reform; moral and educational influences to the fullest extent possible should be brought to bear upon

the convict, and he should have the opportunity for learning a trade that would be beneficial to him and to society after he shall have been discharged. The administration heretofore of the institution does not show that the inmates have enjoyed sufficient advantages for the betterment of their moral and intellectual natures, nor does it appear that they have been trained to any kind of labor other than that which pertains strictly to agriculture.

It occurs to me that the method of administration, as now conducted, is fatally defective, if the purpose of the law creating the Reformatory is to be accomplished, and a radical change is absolutely necessary.

I would therefore recommend that the local board of trustees be abolished, and that the institution be put under the control of the Penitentiary Board, with power to make such rules and regulations as may be proper and necessary to execute the purpose of the law. The office of superintendent should also be abolished and that of assistant superintendent created, with the same salary, powers and duties as now given to the superintendent, to be subordinate, however, to and under the general control of the Penitentiary Board and of the Superintendent of the Penitentiaries.

The jurisdiction of the Financial Agent of the Penitentiaries should also be extended to it, and the institution should be operated in direct connection with the penitentiary system, and as a part of it,—the reform of the convict and his preparation for future usefulness being the principal object in view.

In my criticism of this institution, I wish it to be understood as applying only to its organism and not as a reflection upon those charged with its administration. Against them I have no charge to bring.

JOSEPH D. SAYERS,
Governor.

RAILROAD COMMISSION OF TEXAS.

COMMISSIONERS.

JOHN H. REAGAN, Chairman.
L. J. STOREY. ALLISON MAYFIELD.
J. J. ARTHUR, Secretary.

Austin, Texas, Jan. 26, 1899.

Governor Joseph D. Sayers, Executive Office.

DEAR GOVERNOR: The allowance of rebates and the making of cut rates, and other discriminations in freight rates, and the making of excessive charges of freight rates, is a fruitful source of wrong to the people, and when indulged in, in addition to its being a grievous

wrong to the patrons of the road, is also a means of depleting the revenues of the railroads, and a wrong to the holders of their securities and a means which enables the officials of the railroads, through these fraudulent devices, to become rich at the expense of their employes and by wrongs done to their patrons.

We do not believe that mere pecuniary penalties will successfully arrest these evils, and we suggest to your Excellency that the only way in which the public interests can be protected in these respects would be to provide by law that persons found guilty of these practices should be punished by confinement to hard labor in the State penitentiaries, and that the doing of these things should be made cause for the forfeiture of the charters of the railroads on which they may be done.

If this penalty should be limited to the officers and employes of the railroads, they might be induced to run the risk of such a penalty rather than disoblige their superiors. But if the charters of these corporations should be endangered by such practices, this would give a double security against the violation of such a law.

This purpose could be accomplished by an amendment to subdivision four of Article 4574 of the Revised Statutes of this State.

If your Excellency should approve this view, we would be obliged if you would call the attention of the Legislature now in session to it.

Very respectfully,
(Signed) JOHN H. REAGAN,
Chairman.

The Chair referred that portion of the message referring to the Railroad Commission to the Committee on Internal Improvements, and that portion of the message referring to the Reformatory to the Committee on Penitentiaries.

BILLS AND RESOLUTIONS.

By Senator Goss:

Senate bill No. 93, A bill to be entitled "An Act fixing the venue in suits upon written contracts, where the amount in controversy is less than five dollars."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Atlee:

Senate bill No. 94, A bill to be entitled "An Act to extend the time within which lands heretofore sold to the State or which may hereafter be sold to the State for taxes, under decree of court, under the provisions of Chapter 42, Laws of 1895, and Chapter 103, Laws of 1897,

may be redeemed, providing the manner of such redemption, and repealing all laws and parts of laws in conflict herewith."

Read first time, and referred to Committee on State Affairs.

By Senator McGee:

Senate bill No. 95, A bill to be entitled "An Act to provide for perfecting appeal in criminal cases from convictions had in justice courts or other inferior courts to the county court."

Read first time, and referred to Judiciary Committee No. 2.

By Senator McGee:

Senate bill No. 96, A bill to be entitled "An Act to provide for the venue of suits against private corporations and railroad corporations, and providing for the venue of suits in which two or more railroad corporations are defendants."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Miller:

Senate bill No. 97, A bill to be entitled "An Act to amend Section 24 of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, relating to sheriffs' fees."

Read first time, and referred to Committee on Finance.

By Senator Odell:

Senate bill No. 98, A bill to be entitled "An Act to provide an appropriation adequate to secure special counsel in cases now pending in the Federal courts wherein the State of Texas is a party to the suits, and to defray the expenses incident to said cases."

Read first time, and referred to Committee on Internal Improvements.

By Senator Linn:

Senate bill No. 99, A bill to be entitled "An Act to create a judicial district in Galveston county additional to the Tenth Judicial District therein; to be the Fifty-sixth Judicial District; to establish a court and provide for a judge and clerk of such new district; to regulate the venue of the courts of said respective districts and the disposition of the business therein, and to define the jurisdiction, the boundaries, and the terms thereof, with an emergency clause."

Read first time, and referred to Committee on Judicial Districts.

By Senator Dibrell:

Senate bill No. 100, A bill to be entitled "An Act quieting land titles in Texas and prescribing a period in which actions for the recovery of the title or possession of land may be maintained."

Read first time, and referred to Judiciary Committee No. 1.

Call concluded.

BILLS ON SECOND READING.

The Chair laid before the Senate special order for this hour,

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897," action being on engrossment.

By Senator Potter:

Amend by striking out all after the word "sum" in line 12, to the first word and in line 14, and insert instead thereof "one dollar."

Adopted.

By Senator Sebastian:

Add after the word "fees" in line 31, Subdivision 5, of Section 1, the following, "and mileage."

Adopted.

By Senator Potter:

Amend by striking out "four cents" in line 14, and inserting "five cents."

Adopted.

By Senator Dibrell:

Amend by adding after the word "Texas" in line 8, the following: "That Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, be so amended as to hereafter read as follows."

Adopted.

By Senator Sebastian:

Strike out the words "four cents per mile" wherever they appear in the bill and insert in lieu thereof "five cents per mile."

Adopted.

By Senator Potter:

Amend by striking out "\$1.60" in line 20, and inserting "\$2.00."

Adopted.

By Senator Turney:

Amend by striking out "\$1.00" in line 26, page 2, and insert in lieu thereof "\$1.50."

By Senator Burns:

Substitute for pending amendment: Amend line 26, page 2, by striking out "\$1.00" and inserting "\$2.00."

Lost.

The amendment (Turney's) was then adopted.

By Senator Miller:

Amend by adding:

"Section 24. Sheriffs shall receive for the following services the following fees:

"Serving each original citation in a civil suit, \$1.00; levying and returning writ of attachment or sequestration, \$2.00; levying each execution, \$1.00; return of execution, 50 cents; serving each

writ of garnishment or other process not otherwise provided for, 75 cents; serving each writ of injunction, \$1.00; collecting money on an execution or an order of sale, when the same is made by a sale, for the first \$100.00 or less, 4 per cent.; for the second \$100.00, 3 per cent.; for all sums over \$200.00, 2 per cent."

Senator Atlee made the point of order that the amendment was not germane to the bill.

Overruled.

Pending consideration, Senator Burns made the point of order that the amendment was not in order as far as pending bill is concerned, citing Section 30, of the Constitution.

Overruled.

The amendment (Miller's) was then adopted by the following vote:

Yeas—13.

Davidson.	Odell.
Dibrell.	Potter.
Gough.	Ross.
Grinnan.	Sebastian.
Lloyd.	Stafford.
McGee.	Turney.
Miller.	

Nays—11.

Burns.	Lewis.
Goss.	Linn.
Greer.	Morriss.
James.	Neal.
Johnson.	Wayland.
Kerr.	

Absent.

Stone.	Yantis.
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Absent—Excused.

Hanger.	Terrell.
Patterson.	Yett.

By Senator Potter:

Amend caption of the bill so same shall read as follows:

A bill to be entitled "An Act to amend Sections 4 and 24 of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables, providing the amount of such fees, and for payment of sheriff and constables' costs."

Adopted.

By Senator Potter:

Amend by inserting before the word "Section" in line 9, page 1, the words "Section 1 amending."

Adopted.

By Senator Potter:

Amend by adding:

"Section 3. The fact that under existing law there is no adequate compensation to sheriffs and constables such as to

insure the proper enforcement of the laws of this State, therefore, an imperative public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore hereby suspended and this act shall take effect from and after its passage."

Adopted.

By Senator Dibrell:

Amend the enacting clause by inserting after the words "Section 4," the following, "and 24" and make the word "Section" read "Sections."

Adopted.

By Senator Greer:

Amend Section 24 by adding thereto the following:

"Provided, that the fees prescribed in this section shall apply to all counties alike."

Adopted.

Senator Gough moved to reconsider the vote by which Senator Potter's amendment to line 9 was adopted.

Reconsidered, and Senator Potter withdrew the amendment.

Senator Odell moved to reconsider the vote by which Senator Miller's amendment was adopted.

Reconsidered by the following vote:

Yeas—18.

Burns.	McGee.
Goss.	Morriss.
Greer.	Neal.
Grinnan.	Odell.
James.	Potter.
Johnson.	Ross.
Kerr.	Sebastian.
Lewis.	Stafford.
Lloyd.	Wayland.

Nays—6.

Atlee.	Gough.
Davidson.	Miller.
Dibrell.	Turney.

Absent.

Stone.	Yantis.
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Absent—Excused.

Hanger.	Yett.
Patterson.	

(Senator Gough in the chair.)

Question recurring on the adoption of Senator Miller's amendment, the same was lost by the following vote:

Yeas—5.

Davidson.	Johnson.
Dibrell.	Miller.
Gough.	

Nays—19.

Atlee.	Goss.
Burns.	Greer.

Grinnan.	Odell.
James.	Potter.
Kerr.	Ross.
Lewis.	Sebastian.
Lloyd.	Stafford.
McGee.	Turney.
Morriss.	Wayland.
Neal.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	Yett.

By Senator Atlee:

"Section 1. Be it enacted by the Legislature of the State of Texas: That Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, be amended so as hereafter to read as follows:"

Strike out the enacting clause and insert in lieu thereof the above.

Adopted.

Senator Stafford moved to reconsider the vote by which the amendment of Senator Miller was defeated.

Senator Burns made the point of order that the amendment had already been reconsidered and that the motion was out of order.

Sustained.

Senator Potter moved to reconsider the vote by which his (Potter's) amendment was adopted to the caption.

Reconsidered.

By Senator Potter:

Amend the caption by striking out the words "24," and also striking the "s" from the word section.

Adopted.

(Lieutenant-Governor Browning in the chair.)

Senator Miller moved to recommit the bill to the Finance Committee.

Senator Burns moved to table the motion.

Tabled by the following vote:

Yeas—19.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Lloyd.	Wayland.
McGee.	

Nays—3.

Grinnan.	Miller.
Johnson.	

a—Senate

Absent.

Yantis.

Absent—Excused.

Hanger.

Patterson.

Linn.

Yett.

By Senator Sebastian:

Strike out the words "forty cents" at the end of line 18, subdivision 2, page 1, and insert in lieu thereof the words "fifty cents."

Adopted.

Senator Gough moved to lay the bill on the table subject to call.

Lost.

Bill as amended ordered engrossed.

Senator Johnson moved that the Senate go into Executive Session, as per motion of yesterday.

Carried.

AFTER EXECUTIVE SESSION.

In Executive Session the following confirmation was made:

T. B. Cochran of Travis county, to be a member of the Board of Managers of the State Lunatic Asylum at Austin.

On motion of Senator Ross, House Concurrent Resolution No. 16, relating to making the Cypress river navigable for the purpose of cheapening freight rates in that section of the State, was recommended to Committee on Federal Relations.

Senator Miller offered the following resolution:

Resolved, That the substitute bill for Senate bill No. 55, submitted today by special committee, be not printed in the Journal.

Adopted.

On motion of Senator Morriss the Senate adjourned until 10 o'clock tomorrow morning.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas, Wednesday, Feb. 1, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Linn.	Wayland.